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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-CV-05944-JST
MDL No. 1917

This Document Relates To:

*P.C. Richard & Son Long Island Corp.,
et al. v. Hitachi, Ltd., et al.*, No. 12-cv-
02648;

*P.C. Richard & Son Long Island Corp.,
et al. v. Technicolor SA, et al.*, No. 13-cv-
05725;

**[PROPOSED] ORDER GRANTING
PLAINTIFF MARTA COOPERATIVE
OF AMERICA'S MOTION FOR RULE
54(b) CERTIFICATION OF
FINAL JUDGMENT AS TO MARTA**

1 On August 23, 2016, Plaintiff MARTA Cooperative of America, Inc. (“MARTA”) filed a
2 motion for Rule 54(b) certification of final judgment as to MARTA. Ninth Circuit law dictates
3 that “[t]he trial court should not direct entry of judgment under Rule 54(b) unless it has made
4 specific findings setting forth the reasons for its order.” *Sheehan v. Atlanta Intern. Ins. Co.*, 812
5 F.2d 465, 468 n.1 (9th Cir. 1987) (quoting *Morrison-Knudsen Co. v. Archer*, 655 F.2d 962, 965
6 (9th Cir.1981)). The Court, having reviewed the motion, has determined that there is no just
7 reason for delay of entry of final judgment as to MARTA, for all the reasons stated in MARTA’s
8 motion.

9 First, the Court’s August 4, 2016 Order, in which the Court ruled that MARTA lacked
10 standing, Dkt No. 4742, disposes of MARTA’s sole claim against Defendants and terminates the
11 litigation between MARTA and Defendants. It is thus a final judgment as to MARTA.

12 Second, there is no just reason to delay entry of final judgment as to MARTA. The
13 relevant judicial administrative interests do not prevent entry of final judgment; they favor it.
14 Where, as here, an appeal concerns standing, it does not present the risk of duplicative appeals,
15 given that it does not overlap with the merits of the litigation. Moreover, the interests of judicial
16 economy would be served given that an immediate appeal may potentially allow MARTA to
17 rejoin its co-plaintiffs, PC Richard & Son Long Island Corporation (“P.C. Richard”) and ABC
18 Appliance, Inc. (“ABC Appliance”), for trial in the remand court, which would obviate the need
19 for a second, separate trial as to MARTA alone. It would also resolve the intra-district split on
20 this standing issue faster than an appeal taken after the remand and trial of the P.C. Richard and
21 ABC Appliance claims, which would provide the benefit of certainty to future litigants.

22 In addition, the equities tip decidedly in favor of entering final judgment as to MARTA
23 now. Constraining MARTA to wait to pursue an appeal after the remand and trial of the P.C.
24 Richard and ABC Appliance claims would prejudice MARTA in two important respects. First,
25 as noted above, it would potentially subject MARTA to a second, separate trial. In addition, it
26 would significantly lengthen the time to trial for MARTA.

27 Accordingly, the Court hereby GRANTS MARTA’s motion for Rule 54(b) certification
28 of final judgment and ENTERS final judgment against MARTA in favor of Defendants.

1 **IT IS SO ORDERED**

2
3 Dated: _____

4 JON S. TIGAR
UNITED STATES DISTRICT JUDGE